

REMARKS

In the February 28, 2008 Office Action, claims 2-8, 10-12, 14-16 and 18-22 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 28, 2008 Office Action, Applicants have amended claims 2, 4, 6, 7, 10, 12 and 14 and canceled claim 5 as indicated above. Specifically, Applicants have amended claims 2, 10 and 14 to distinguish the prior art, rewritten claim 4 in independent form, amended claim 6 in view of the cancellation of claim 5 and amended claims 7 and 12 to clarify the claims 7 and 12. Applicants wish to thank the Examiner for the thorough examination of this application. Thus, claims 2-4, 6-8, 10-12, 14-16 and 18-22 are pending, with claims 2, 4, 10, 14 and 19 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

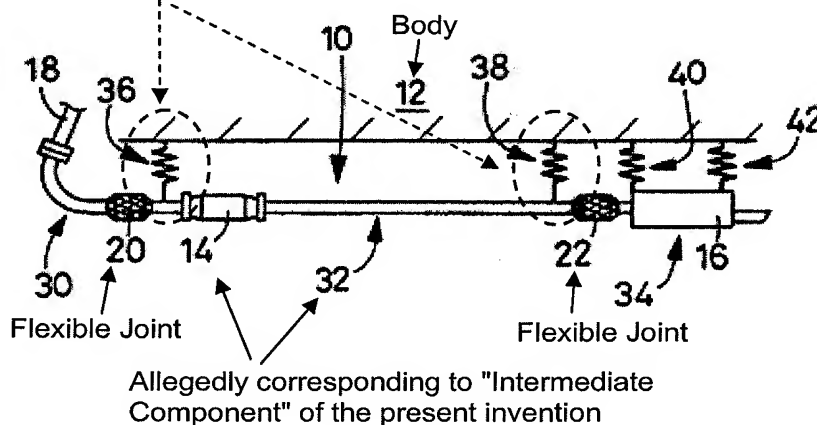
In paragraph 3 of the Office Action, claims 2-8, 10-12, 14-16 and 18-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,323,989 to Hamada et al. (hereinafter "Hamada et al. patent"). In response, Applicants have amended claims 2, 6, 7, 10, 12 and 14, rewritten claim 4 in independent form and canceled claim 5.

Claims 2, 3, 6-8, 10-12, 14-16, 21 and 22

In particular, independent claims 2, 10 and 14 now recite the intermediate component being coupled to the upstream component via the upstream flexible coupling and coupled to the downstream component via the downstream flexible coupling, and the intermediate component being *free of direct connections to the body* of the vehicle between the upstream

and downstream flexible couplings such that the intermediate component *freely floats* *between the upstream and downstream flexible couplings with respect to the body* of the vehicle. Clearly, this structure is *not* disclosed or suggested by the Hamada et al. patent or any other prior art of record.

Intermediate Component (14, 32) is *not free of direct connections* to Body 12 such that Intermediate Component (14, 32) *freely floats* between Flexible Joints 20, 22 with respect to Body 12



Annotated Figure 1 of Hamada et al. patent

Specifically, referring to the annotated Figure 1 of the Hamada et al. patent, the Hamada et al. patent merely discloses muffler supports 36, 38 connect a catalytic converter 14 and an intermediate section 32 to a body 12 at two locations between flexible joints 20, 22. However, the Hamada et al. patent does *not* disclose that the catalytic converter 14 and the intermediate section 32 are free of direct connections to the body 12 between the flexible joints 20, 22 such that the catalytic converter 14 and the intermediate section 32 freely float between the flexible joints 20, 22 with respect to the body 12.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicants respectfully submit that claims 2, 10 and 14 are not anticipated by the prior art of

record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 3, 6-8, 11, 12, 15, 16, 21 and 22 are also allowable over the prior art of record in that they depend from independent claims 2, 10 and 14, and therefore are allowable for the reasons stated above. Also, dependent claims 3, 6-8, 11, 12, 15, 16, 21 and 22 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate independent claims 2, 10 and 14, neither does the prior art anticipate dependent claims 3, 6-8, 11, 12, 15, 16, 21 and 22.

Applicants respectfully request withdrawal of the rejections.

Claim 4

Independent claim 4 recites that each of the at least two flexible couplings includes a *spherical joint*. Clearly, this structure is *not* disclosed or suggested by the Hamada et al. patent or any other prior art of record.

Specifically, referring to Figure 2 of the Hamada et al. patent, the Hamada et al. patent merely discloses the flexible joint 22 having a bellows-type metal tube 24. However, the Hamada et al. patent does *not* disclose that the flexible joint 22 includes a spherical joint.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicants respectfully submit that claim 4 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Claims 18-20

Independent claim 19 recites the upstream flexible coupling having a first elastic characteristic and the downstream flexible coupling having a second elastic characteristic, the first and second elastic characteristics being selected such that *a resonant frequency of the*

section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz. Clearly, this structure is *not* disclosed or suggested by the Hamada et al. patent or any other prior art of record.

Specifically, referring to col. 3, lines 49-60 and col. 4, lines 22-23 of the Hamada et al. patent, the Hamada et al. patent merely discloses an auxiliary vibration system (dynamic damper) consisting of a rear portion 34 of the exhaust pipe 12, muffler supports 40, 42 and flexible joint 22. In particular, referring to col. 4, lines 7-11 of the Hamada et al. patent, the Hamada et al. patent merely discloses that the auxiliary vibration system includes the rear portion 34 being located rearward of the flexible joint 22. Furthermore, referring to col. 4, lines 16-21 and col. 4, lines 26-44 of the Hamada et al. patent, the Hamada et al. patent merely discloses that the mass of the rear portion 34 and the spring constant of the muffler supports 40, 42 and flexible joint 22 are determined so that the natural frequency "f" of the auxiliary vibration system as represented by the formula (1) is tuned to the primary natural frequency "f₀" of the vehicle body 10 (10-30 Hz).

However, the Hamada et al. patent is *silent about* a dynamic damper formed by flexible joints 20, 22 and a catalytic converter 14 and an intermediate section 32. Even if the flexible joints 20, 22, the catalytic converter 14 and the intermediate section 32 serve as a dynamic damper, the Hamada et al. patent is *silent about* that elastic characteristics of the flexible joints 20, 22 are selected such that a resonant frequency of the dynamic damper formed by the flexible joints 20, 22, the catalytic converter 14 and the intermediate section 32 is lower than 20-30Hz since the Hamada et al. patent merely discloses that the natural frequency "f" of the auxiliary vibration system consisting of the rear portion 34 of the exhaust pipe 12, the muffler supports 40, 42 and flexible joint 22 is tuned to 10-30 Hz.

Accordingly, the Hamada et al. patent does *not* disclose the upstream flexible

coupling having a first elastic characteristic and the downstream flexible coupling having a second elastic characteristic, the first and second elastic characteristics being selected such that *a resonant frequency of the section formed by the upstream flexible coupling, the downstream flexible coupling, and the intermediate component is lower than 20-30Hz*, as recited in claim 19.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose *each* and *every* element of the claim within the reference. Therefore, Applicants respectfully submit that claim 19 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that dependent claims 18 and 20 are also allowable over the prior art of record in that they depend from independent claim 19, and therefore are allowable for the reasons stated above. Also, dependent claims 18 and 20 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate independent claim 19, neither does the prior art anticipate dependent claims 18 and 20.

Applicants respectfully request withdrawal of the rejections.

Appl. No. 10/565,394
Amendment dated May 14, 2008
Reply to Office Action of February 28, 2008

Conclusion

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 2-4, 6-8, 10-12, 14-16 and 18-22 are now in condition for allowance.

Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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